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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHUN-GEUN CHOI *et al.*

Serial No.: 09/531,005

Examiner: JOSEPH, THOMAS J.

Filed: 20 March 2000

Art Unit: 2174

For: VIDEO DISPLAY APPARATUS HAVING HOTKEY FUNCTIONS AND A
METHOD THEREFOR

PETITION UNDER 37 C.F.R. §1.181

Mail Stop Office of Petitions

Commissioner for Patents

P.O.Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 C.F.R. §1.181 for entry of the Second Amendment After Final filed on 29 May 2003. This Petition is in response to the Advisory Action mailed on 20 June 2003 (Paper No. 10), and is being filed within two months of the Advisory Action.

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Date: 8/19/03

I.D.: REB/JGS/kf

STATEMENT OF FACTS

1. A final Office action (Paper No. 5) was mailed on 29 January 2003.
2. An Amendment After Final was filed on 22 April 2002 in response to the final Office action (Paper No. 5).
3. An Advisory Action (Paper No. 7) was mailed on 6 May 2003, maintaining the final rejection, and refusing entry of the Amendment After Final.
4. A Second Amendment After Final was filed on 29 May 2003 in response to the Advisory Action (Paper No. 7).
5. A further Advisory Action (Paper No. 10) was mailed on 20 June 2003, maintaining the final rejection, and refusing entry of the Second Amendment After Final.
6. In the further Advisory Action (Paper No. 10), the Examiner refused entry of the Second Amendment After Final on the grounds that:
 - a. “they raise new issues that would require further consideration and/or search” (quoting from the paragraph 2(a) of the Advisory Action; and
 - b. “they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal” (quoting from paragraph 2(c) of the Advisory Action).

ARGUMENTS

In support of this Petition for Entry of the Second Amendment After Final, it should be noted that, in the Second Amendment After Final, the specification was amended to place the application in better form for appeal, and that claims 1, 2, 4 and 8 thru 10 were amended for the sole purpose of improving their form. Therefore, the amendments to the specification and the claims do not raise new issues requiring further consideration or search by the Examiner, and thus the Second Amendment After Final should have been entered.

More specifically, in the Advisory Action of 20 June 2003 (Paper No. 10), the Examiner stated that the Amendment After Final filed on 29 May 2003 (Paper No. 9) would not be entered because the amendments “are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal” (quoting from paragraph 2(c) of the Advisory Action). Applicants respectfully disagree.

The amendments to the specification place the application in better form for appeal by improving form and by eliminating certain typographical and other errors. For example, a spelling error at paragraph 4, line 5 is being corrected; a reference numeral at page 5, line 12 is also being corrected; references to the various blocks representing steps of the method shown in the flowchart of Figure 3 are being inserted at page 6, line 14-page 7, line 3; form is being improved at page 7, lines 18-20; and typographical errors are being corrected at page 8, lines 5, 11 and 20.

In the continuation sheet for paragraph 2 of the Advisory Action of 6 May 2003 (Paper No. 7), the Examiner stated that the amendment to page 7, lines 7-10 of the specification requires “further consideration”. The amendment in question merely adds the following sentence: “If not, a return to step S320 is executed” (note that the typographical error pointed out by the Examiner is now corrected). The latter sentence refers to Figure 3 and merely states that, as shown in Figure 3 of this application as originally filed, if step S360 results in a determination that a cancellation has not been performed, a return to step S320 is executed. Since Figure 3, as originally filed, has clearly shown the step or operation in question (return to step S320), the Examiner has been afforded the opportunity to consider this step or operation from the outset of the examination of this application, and thus the addition of a sentence merely rendering the specification complete and consistent with originally filed Figure 3 should not, and does not, require “further consideration”.

The amendments to the claims also simplify the issues for appeal by improving form and eliminating what some Examiners might consider to be recitations objectionable under 35 U.S.C. §112 (second paragraph). For example, in claims 2 and 9, the phrase “one or more” has been replaced by the preferable phrase “at least one”; improper use of the articles “a” or “an” referring to an element already recited in claims 4 and 8 has been corrected by substituting the correct articles “said” and “the”; improper grammatical usage of “responsively” in claims 8 and 9 has been corrected by substituting the correct expressions “in response” and “responsive”.

In the continuation sheet for paragraph 2 of the Advisory Action of 6 May 2003 (Paper No. 7), the Examiner stated that the recitation in claim 8 of “menu items selected by the user in response to selection thereof by the user” required “further consideration”. The original wording of claim 8 indicated that a selection signal is generated “responsively to a user’s selections thereof”. This improper grammatical form clearly resulted from a translation error in translating the original Korean priority application into English for filing in the U.S. Patent and Trademark Office. The proposed amendment to claim 8 recites that the selection signal is generated “in response to selection thereof by the user”(quoting from claim 8, lines 8-9 on page 8 of this Second Amendment after Final). The change in wording does not change the meaning of the original recitation; it merely improves the grammatical form. Therefore, contrary to the assertion by the Examiner in the continuation sheet for paragraph 2 of the Advisory Action, the amendment should not, and does not, require “further consideration”.

In the continuation sheet for paragraph 2 of the Advisory Action of 20 June 2003 (Paper No. 10), the Examiner alleged that the changed in punctuation in claim 1 “creates an interpretation that raises new issues” (quoting from the Advisory Action). However, the only punctuation changes in claim 1 are three instances, in the last paragraph of claim 1, in which a semi-colon is changed to a comma and a comma is deleted.

In that regard, the previous version of claim 1 recited (in the last paragraph) “a control unit for receiving said key signal from said button unit; for reading information ... memory unit, when

said key signal is received; and for thereupon sending a control signal ... “(underlining indicates the two semi-colons and a comma). Clearly, the semi-colons were typographical errors; clearly, the three functions (receiving, reading and sending) could only be interpreted as being functions of the control unit since no other element is recited in the last paragraph of claim 1; and, clearly, the information to be read in the first operation (the “reading” operation) is to be read “when said key signal is received” (as recited after the comma in the last paragraph of claim 1). No other interpretations are possible or reasonable.

By replacing the semi-colon by commas in the last paragraph of claim 1, the latter interpretation is retained, and thus the only change is a change in form to correct typographical errors. There is no change in meaning or interpretation, as alleged by the Examiner.

To summarize, the amendments to the specification and claims are merely for the purpose of correcting minor errors and improving form. They do not change the meaning of the language or recitations in question. Moreover, they do not introduce new subject matter or subject matter not previously considered by the Examiner, and they do not raise new issues or questions requiring further consideration or search. As a result, the Second Amendment after Final should have been entered.

CONCLUSION

For the reasons stated above, it is submitted that the Second Amendment After Final filed on 29 May 2003 should be entered.

RELIEF REQUESTED

In view of the above, Applicants respectfully request the Commissioner to:

- A. Enter the Second Amendment After Final filed on 29 May 2003; and
- B. Grant such other and further relief as justice may require.

Respectfully submitted,



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